

SENATE RESOLUTION 103—TO AUTHORIZE REPRESENTATION BY THE SENATE LEGAL COUNSEL IN THE CASE OF STEVE SCHONBERG V. SENATOR MITCH MCCONNELL, ET AL

Mr. REID of Nevada submitted the following resolution; which was considered and agreed to:

S. RES. 103

Whereas, Senator Mitch McConnell, Vice President Joseph R. Biden, Jr., and Sergeant at Arms Terrance W. Gainer have been named as defendants in the case of Steve Schonberg v. Senator Mitch McConnell, et al., No. 3:13-cv-220, now pending in the United States District Court for the Western District of Kentucky;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members and officers of the Senate in civil actions relating to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senator Mitch McConnell, Vice President Joseph R. Biden, Jr., and Sergeant at Arms Terrance W. Gainer in the case of Steve Schonberg v. Senator Mitch McConnell, et al.

AMENDMENTS SUBMITTED AND PROPOSED

SA 734. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 649, to ensure that all individuals who should be prohibited from buying a firearm are listed in the national instant criminal background check system and require a background check for every firearm sale, and for other purposes; which was ordered to lie on the table.

SA 735. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 649, supra; which was ordered to lie on the table.

SA 736. Mr. REID (for Mr. LAUTENBERG) submitted an amendment intended to be proposed by Mr. REID of NV to the bill S. 649, supra; which was ordered to lie on the table.

SA 737. Mr. REID (for Mr. LAUTENBERG) submitted an amendment intended to be proposed by Mr. REID of NV to the bill S. 649, supra; which was ordered to lie on the table.

SA 738. Ms. LANDRIEU (for herself and Mr. CASEY) submitted an amendment intended to be proposed by her to the bill S. 649, supra; which was ordered to lie on the table.

SA 739. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 649, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 734. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 649, to ensure that all individuals who should be prohibited from buying a firearm are listed in the national instant criminal background check system and require a background check for every firearm sale, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE IV—NATIONAL COMMISSION ON MASS VIOLENCE

SEC. 401. SHORT TITLE.

This title may be cited as the "National Commission on Mass Violence Act of 2013".

SEC. 402. NATIONAL COMMISSION ON MASS VIOLENCE.

(a) **ESTABLISHMENT OF COMMISSION.**—There is established a commission to be known as the National Commission on Mass Violence (in this title referred to as the "Commission") to study the availability and nature of firearms, including the means of acquiring firearms, issues relating to mental health, and all positive and negative impacts of the availability and nature of firearms on incidents of mass violence or in preventing mass violence.

(b) **MEMBERSHIP.**—

(1) **APPOINTMENTS.**—The Commission shall be composed of 12 members, of whom—

(A) 6 members of the Commission shall be appointed by the Majority Leader of the Senate, in consultation with the Democratic leadership of the House of Representatives, 1 of whom shall serve as Chairman of the Commission; and

(B) 6 members of the Commission shall be appointed by the Speaker of the House of Representatives, in consultation with the Republican leadership of the Senate, 1 of whom shall serve as Vice Chairman of the Commission.

(2) **PERSONS ELIGIBLE.**—

(A) **IN GENERAL.**—The members appointed to the Commission shall include—

(i) well-known and respected individuals among their peers in their respective fields of expertise; and

(ii) not less than 1 non-elected individual from each of the following categories, who has expertise in the category, by both experience and training:

(I) Firearms.

(II) Mental health.

(III) School safety.

(IV) Mass media.

(B) **EXPERTS.**—In identifying the individuals to serve on the Commission, the appointing authorities shall take special care to identify experts in the fields described in section 403(a)(2).

(C) **PARTY AFFILIATION.**—Not more than 6 members of the Commission shall be from the same political party.

(3) **COMPLETION OF APPOINTMENTS; VACANCIES.**—Not later than 30 days after the date of enactment of this Act, the appointing authorities under paragraph (1) shall each make their respective appointments. Any vacancy that occurs during the life of the Commission shall not affect the powers of the Commission, and shall be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

(4) **OPERATION OF THE COMMISSION.**—

(A) **MEETINGS.**—

(i) **IN GENERAL.**—The Commission shall meet at the call of the Chairman.

(ii) **INITIAL MEETING.**—The initial meeting of the Commission shall be conducted not later than 30 days after the later of—

(I) the date of the appointment of the last member of the Commission; or

(II) the date on which appropriated funds are available for the Commission.

(B) **QUORUM; VACANCIES; VOTING; RULES.**—A majority of the members of the Commission shall constitute a quorum to conduct business, but the Commission may establish a lesser quorum for conducting hearings scheduled by the Commission. Each member of the Commission shall have 1 vote, and the vote of each member shall be accorded the same weight. The Commission may establish by majority vote any other rules for the conduct of the Commission's business, if such rules are not inconsistent with this title or other applicable law.

SEC. 403. DUTIES OF THE COMMISSION.

(a) **STUDY.**—

(1) **IN GENERAL.**—It shall be the duty of the Commission to conduct a comprehensive fac-

tual study of incidents of mass violence, including incidents of mass violence not involving firearms, in the context of the many acts of senseless mass violence that occur in the United States each year, in order to determine the root causes of such mass violence.

(2) **MATTERS TO BE STUDIED.**—In determining the root causes of these recurring and tragic acts of mass violence, the Commission shall study any matter that the Commission determines relevant to meeting the requirements of paragraph (1), including at a minimum—

(A) the role of schools, including the level of involvement and awareness of teachers and school administrators in the lives of their students and the availability of mental health and other resources and strategies to help detect and counter tendencies of students towards mass violence;

(B) the effectiveness of and resources available for school security strategies to prevent incidents of mass violence;

(C) the role of families and the availability of mental health and other resources and strategies to help families detect and counter tendencies toward mass violence;

(D) the effectiveness and use of, and resources available to, the mental health system in understanding, detecting, and countering tendencies toward mass violence, as well as the effects of treatments and therapies;

(E) whether medical doctors and other mental health professionals have the ability, without negative legal or professional consequences, to notify law enforcement officials when a patient is a danger to himself or others;

(F) the nature and impact of the alienation of the perpetrators of such incidents of mass violence from their schools, families, peer groups, and places of work;

(G) the role that domestic violence plays in causing incidents of mass violence;

(H) the effect of depictions of mass violence in the media, and any impact of such depictions on incidents of mass violence;

(I) the availability and nature of firearms, including the means of acquiring such firearms, and all positive and negative impacts of such availability and nature on incidents of mass violence or in preventing mass violence;

(J) the role of current prosecution rates in contributing to the availability of weapons that are used in mass violence;

(K) the availability of information regarding the construction of weapons, including explosive devices, and any impact of such information on such incidents of mass violence;

(L) the views of law enforcement officials, religious leaders, mental health experts, and other relevant officials on the root causes and prevention of mass violence;

(M) incidents in which firearms were used to stop mass violence; and

(N) any other area that the Commission determines contributes to the causes of mass violence.

(3) **TESTIMONY OF VICTIMS AND SURVIVORS.**—In determining the root causes of these recurring and tragic incidents of mass violence, the Commission shall, in accordance with section 404(a), take the testimony of victims and survivors to learn and memorialize their views and experiences regarding such incidents of mass violence.

(b) **RECOMMENDATIONS.**—Based on the findings of the study required under subsection (a), the Commission shall make recommendations to the President and Congress to address the causes of these recurring and tragic incidents of mass violence and to reduce such incidents of mass violence.

(c) **REPORTS.**—

(1) **INTERIM REPORT.**—Not later than 3 months after the date on which the Commission first meets, the Commission shall submit to the President and Congress an interim report describing any initial recommendations of the Commission.

(2) **FINAL REPORT.**—Not later than 6 months after the date on which the Commission first meets, the Commission shall submit to the President and Congress a comprehensive report of the findings and conclusions of the Commission, together with the recommendations of the Commission.

(3) **SUMMARIES.**—The report under paragraph (2) shall include a summary of—

(A) the reports submitted to the Commission by any entity under contract for research under section 404(e); and

(B) any other material relied on by the Commission in the preparation of the report.

SEC. 404. POWERS OF THE COMMISSION.

(a) **HEARINGS.**—

(1) **IN GENERAL.**—The Commission may hold such hearings, sit and act at such times and places, administer such oaths, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties under section 403.

(2) **WITNESS EXPENSES.**—Witnesses requested to appear before the Commission shall be paid the same fees as are paid to witnesses under section 1821 of title 28, United States Code.

(b) **INFORMATION FROM FEDERAL AGENCIES.**—The Commission may secure directly from any Federal agency such information as the Commission considers necessary to carry out its duties under section 403. Upon the request of the Commission, the head of such agency may furnish such information to the Commission.

(c) **INFORMATION TO BE KEPT CONFIDENTIAL.**—

(1) **IN GENERAL.**—The Commission shall be considered an agency of the Federal Government for purposes of section 1905 of title 18, United States Code, and any individual employed by any individual or entity under contract with the Commission under subsection (d) shall be considered an employee of the Commission for the purposes of section 1905 of title 18, United States Code.

(2) **DISCLOSURE.**—Information obtained by the Commission or the Attorney General under this title and shared with the Commission, other than information available to the public, shall not be disclosed to any person in any manner, except—

(A) to Commission employees or employees of any individual or entity under contract to the Commission under subsection (d) for the purpose of receiving, reviewing, or processing such information;

(B) upon court order; or

(C) when publicly released by the Commission in an aggregate or summary form that does not directly or indirectly disclose—

(i) the identity of any person or business entity; or

(ii) any information which could not be released under section 1905 of title 18, United States Code.

(d) **CONTRACTING FOR RESEARCH.**—The Commission may enter into contracts with any entity for research necessary to carry out the duties of the Commission under section 403.

SEC. 405. COMMISSION PERSONNEL MATTERS.

(a) **COMPENSATION OF MEMBERS.**—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged

in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) **TRAVEL EXPENSES.**—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Commission.

(c) **STAFF.**—

(1) **IN GENERAL.**—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional employees as may be necessary to enable the Commission to perform its duties. The employment and termination of an executive director shall be subject to confirmation by a majority of the members of the Commission.

(2) **COMPENSATION.**—The executive director shall be compensated at a rate not to exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code. The Chairman may fix the compensation of other employees without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for such employees may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) **DETAIL OF GOVERNMENT EMPLOYEES.**—Any Federal Government employee, with the approval of the head of the appropriate Federal agency, may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privilege.

(d) **PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.**—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 406. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission and any agency of the Federal Government assisting the Commission in carrying out its duties under this title such sums as may be necessary to carry out the purposes of this title. Any sums appropriated shall remain available, without fiscal year limitation, until expended.

SEC. 407. TERMINATION OF THE COMMISSION.

The Commission shall terminate 30 days after the Commission submits the final report under section 403(c)(2).

SA 735. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 649, to ensure that all individuals who should be prohibited from buying a firearm are listed in the national instant criminal background check system and require a background check for every firearm sale, and for other purposes; which was ordered to lie on the table; as follows:

Strike titles I and II and insert the following:

TITLE I—KEEPING OUR SCHOOLS SAFE ACT

SEC. 101. SHORT TITLE.

This title may be cited as the “Keeping Our Schools Safe Act of 2013”.

SEC. 102. AUTHORIZATION FOR USE OF COPS GRANT FUNDS.

(a) **COMBATING TARGETED FIREARMS VIOLENCE AGAINST STUDENTS AND SCHOOL PERSONNEL.**—Section 1701(b)(12) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(b)(12)) is amended by striking “to combat school-related crime and disorder problems, gangs, and drug activities” and inserting “to combat targeted firearms violence against students and school personnel and other forms of school-related violent crime, gangs, and drug activities”.

(b) **HIRING SCHOOL RESOURCE OFFICERS.**—Notwithstanding any other provision of law, of amounts appropriated to the Attorney General for fiscal year 2014 for grants to hire additional career law enforcement officers under paragraph (2) of section 1701(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(b)(2)), the Attorney General may use not more than 25 percent of such amounts for grants for school resource officers under paragraph (12) of such section 1701(b), as amended by subsection (a), which shall be awarded through a competitive process.

SA 736. Mr. REID (for Mr. LAUTENBERG) submitted an amendment intended to be proposed by Mr. REID, of NV to the bill S. 649, to ensure that all individuals who should be prohibited from buying a firearm are listed in the national instant criminal background check system and require a background check for every firearm sale, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ———. EXPLOSIVE MATERIALS BACKGROUND CHECK ACT.

(a) **SHORT TITLE.**—This section may be cited as the “Explosive Materials Background Check Act”.

(b) **AMENDMENTS TO TITLE 18.**—Chapter 40 of title 18, United States Code, is amended—

(1) in section 841—

(A) in subsection (d), by inserting “smokeless powder and black powder substitutes,” after “black powder.”; and

(B) in subsection (h), by striking “the business of”;

(2) in section 842—

(A) in subsection (d)—

(i) in paragraph (9), by striking the period and inserting a semicolon; and

(ii) inserting at the end the following:

“(10) is subject to a court order that restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child, except that this paragraph shall only apply to a court order that—

“(A) was issued after a hearing of which such person received actual notice, and at which such person had the opportunity to participate; and

“(B)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

“(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

“(11) has been convicted in any court of a misdemeanor crime of domestic violence.”;

(B) in subsection (i)—

(i) in paragraph (7), by inserting a semicolon after “person”;

(ii) inserting at the end the following:

“(8) is subject to a court order that restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child, except that this paragraph shall only apply to a court order that—

“(A) was issued after a hearing of which such person received actual notice, and at which such person had the opportunity to participate; and

“(B)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

“(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

“(9) has been convicted in any court of a misdemeanor crime of domestic violence.”;

(3) in section 843(b)—

(A) by striking “Upon” and inserting “Except as provided in subsection (j), upon”;

(B) in paragraph (6), by striking “and” after the semicolon;

(C) in paragraph (7), by striking the period and inserting “; and”;

(D) by inserting at the end the following:

“(8) in the case of a limited permit holder, the applicant certifies the permit will only be used to purchase black powder, black powder substitute, and smokeless powder in which case the limitation in paragraph (7) shall not apply.”; and

(4) in section 845(a)—

(A) in paragraph (4), by striking “and components thereof”; and

(B) in paragraph (5), by striking “black powder in quantities not to exceed fifty pounds.”.

SA 737. Mr. REID (for Mr. LAUTENBERG) submitted an amendment intended to be proposed by Mr. REID, of NV to the bill S. 649, to ensure that all individuals who should be prohibited from buying a firearm are listed in the national instant criminal background check system and require a background check for every firearm sale, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . EXPLOSIVE MATERIALS BACKGROUND CHECK ACT.

(a) **SHORT TITLE.**—This section may be cited as the “Explosive Materials Background Check Act”.

(b) **AMENDMENTS TO EXPLOSIVE MATERIALS PROVISIONS.**—

(1) **CHAPTER 40.**—Chapter 40 of title 18, United States Code, is amended—

(A) in section 841—

(i) in subsection (d), by inserting “smokeless powder and black powder substitutes,” after “black powder.”; and

(ii) in subsection (h), by striking “the business of”;

(B) in section 842—

(i) in subsection (d)—

(I) in paragraph (9), by striking the period and inserting a semicolon; and

(II) inserting at the end the following:

“(10) is subject to a court order that restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child, except that this paragraph shall only apply to a court order that—

“(A) was issued after a hearing of which such person received actual notice, and at which such person had the opportunity to participate; and

“(B) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

“(C) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury;

“(11) has been convicted in any court of a misdemeanor crime of domestic violence; or

“(12) has received actual notice of the Attorney General’s determination made pursuant to subsection (d)(1)(B) or (j) of section 843 of this title.”; and

(ii) in subsection (i)—

(I) in paragraph (7), by inserting a semicolon after “person”;

(II) inserting at the end the following:

“(8) is subject to a court order that restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child, except that this paragraph shall only apply to a court order that—

“(A) was issued after a hearing of which such person received actual notice, and at which such person had the opportunity to participate; and

“(B) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

“(C) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury;

“(9) has been convicted in any court of a misdemeanor crime of domestic violence; or

“(10) has received actual notice of the Attorney General’s determination made pursuant to subsection (d)(1)(B) or (j) of section 843 of this title.”;

(C) in section 843—

(i) in subsection (b)—

(I) by striking “Upon” and inserting “Except as provided in subsection (j), upon”;

(II) in paragraph (6), by striking “and” after the semicolon;

(III) in paragraph (7), by striking the period and inserting “; and”;

(IV) by inserting at the end the following:

“(8) in the case of a limited permit holder, the applicant certifies the permit will only be used to purchase black powder, black powder substitute, and smokeless powder in which case the limitation in paragraph (7) shall not apply.”;

(ii) in subsection (d)—

(I) by inserting “(1)” after “(d)”;

(II) by striking “if in the opinion” and inserting the following: “if—

(iii) in the opinion; and”;

(I) by striking “The Secretary’s action” and inserting the following: “; or

“(II) the Attorney General determines that the licensee or holder (or any responsible person or employee possessor thereof) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism, and that the Attorney General has a reasonable belief that the person may use explosives in connection with terrorism.

“(2) The Attorney General’s action”;

(iv) in subsection (e)—

(I) in paragraph (1), by inserting after the first sentence the following: “However, if the denial or revocation is based upon an Attorney General determination under subsection

(j) or (d)(1)(B), any information which the Attorney General relied on for this determination may be withheld from the petitioner if the Attorney General determines that disclosure of the information would likely compromise national security.”; and

(II) in paragraph (2), by adding at the end the following: “In responding to any petition for review of a denial or revocation based upon an Attorney General determination under subsection (j) or (d)(1)(B), the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security.”;

(v) in subsection (h)(2)—

(I) in subparagraph (A), by inserting “or in subsection (j) of this section (on grounds of terrorism)” after “section 842(i)”;

(II) in subparagraph (B)—

(aa) in the matter preceding clause (i), by inserting “or in subsection (j) of this section,” after “section 842(i)”;

(bb) in clause (ii), by inserting “, except that any information that the Attorney General relied on for a determination pursuant to subsection (j) may be withheld if the Attorney General concludes that disclosure of the information would likely compromise national security” after “determination” ; and

(vi) by inserting at the end the following:

“(j) **ATTORNEY GENERAL DISCRETIONARY DENIAL OF FEDERAL EXPLOSIVES LICENSES AND PERMITS.**—The Attorney General may deny the issuance of a permit or license to an applicant if the Attorney General determines that the applicant or a responsible person or employee possessor thereof is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation of, in aid of, or related to terrorism, or providing material support or resources for terrorism, and the Attorney General has a reasonable belief that the person may use explosives in connection with terrorism.”; and

(D) in section 845(a)—

(i) in paragraph (4), by striking “and components thereof”; and

(ii) in paragraph (5), by striking “black powder in quantities not to exceed fifty pounds.”.

(2) **CONFORMING AMENDMENT TO IMMIGRATION AND NATIONALITY ACT.**—Section 101(a)(43)(E)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)(E)(ii)) is amended by striking “or (5)” and inserting “(5), or (10)”.

(3) **GUIDELINES.**—

(A) **IN GENERAL.**—The Attorney General shall issue guidelines describing the circumstances under which the Attorney General will exercise the authority and make determinations under subsections (d)(1)(B) and (j) of section 843 and sections 922A and 922B of title 18, United States Code, as amended by this Act.

(B) **CONTENTS.**—The guidelines issued under subparagraph (A) shall—

(i) provide accountability and a basis for monitoring to ensure that the intended goals for, and expected results of, the grant of authority under subsections (d)(1)(B) and (j) of section 843 and sections 922A and 922B of title 18, United States Code, as amended by this Act, are being achieved; and

(ii) ensure that terrorist watch list records are used in a manner that safeguards privacy and civil liberties protections, in accordance with requirements outlined in Homeland Security Presidential Directive 11 (dated August 27, 2004).

(c) STANDARD FOR EXERCISING ATTORNEY GENERAL DISCRETION REGARDING TRANSFERRING FIREARMS OR ISSUING FIREARMS PERMITS TO DANGEROUS TERRORISTS.—Chapter 44 of title 18, United States Code, is amended—

(1) by inserting after section 922 the following:

“§ 922A. Attorney General’s discretion to deny transfer of a firearm.

“The Attorney General may deny the transfer of a firearm under section 922(t)(1)(B)(ii) of this title if the Attorney General—

“(1) determines that the transferee is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism; and

“(2) has a reasonable belief that the prospective transferee may use a firearm in connection with terrorism.

“§ 922B. Attorney General’s discretion regarding applicants for firearm permits which would qualify for the exemption provided under section 922(t)(3).

“The Attorney General may determine that—

“(1) an applicant for a firearm permit which would qualify for an exemption under section 922(t) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism; and

“(2) the Attorney General has a reasonable belief that the applicant may use a firearm in connection with terrorism.”;

(2) in section 921(a), by adding at the end the following:

“(36) The term ‘terrorism’ includes international terrorism and domestic terrorism, as defined in section 2331 of this title.

“(37) The term ‘material support or resources’ has the meaning given the term in section 2339A of this title.

“(38) The term ‘responsible person’ means an individual who has the power, directly or indirectly, to direct or cause the direction of the management and policies of the applicant or licensee pertaining to firearms.”; and

(3) in the table of sections, by inserting after the item relating to section 922 the following:

“922A. Attorney General’s discretion to deny transfer of a firearm.

“922B. Attorney General’s discretion regarding applicants for firearm permits which would qualify for the exemption provided under section 922(t)(3).”.

(d) EFFECT OF ATTORNEY GENERAL DISCRETIONARY DENIAL THROUGH THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM (NICS) ON FIREARMS PERMITS.—Section 922(t) of title 18, United States Code, is amended—

(1) in paragraph (1)(B)(ii), by inserting “or State law, or that the Attorney General has determined to deny the transfer of a firearm pursuant to section 922A of this title” before the semicolon;

(2) in paragraph (2), in the matter preceding subparagraph (A), by inserting “, or if the Attorney General has not determined to deny the transfer of a firearm pursuant to section 922A of this title” after “or State law”;

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) in clause (i)—

(I) in subclause (I), by striking “and” at the end; and

(II) by adding at the end the following:

“(III) was issued after a check of the system established pursuant to paragraph (1);”;

(ii) in clause (ii), by inserting “and” after the semicolon; and

(iii) by adding at the end the following:

“(iii) the State issuing the permit agrees to deny the permit application if such other person is the subject of a determination by the Attorney General pursuant to section 922B of this title;”;

(4) in paragraph (4), by inserting “, or if the Attorney General has not determined to deny the transfer of a firearm pursuant to section 922A of this title” after “or State law”; and

(5) in paragraph (5), by inserting “, or if the Attorney General has determined to deny the transfer of a firearm pursuant to section 922A of this title” after “or State law”.

(e) UNLAWFUL SALE OR DISPOSITION OF FIREARM BASED UPON ATTORNEY GENERAL DISCRETIONARY DENIAL.—Section 922(d) of title 18, United States Code, is amended—

(1) in paragraph (8), by striking “or” at the end;

(2) in paragraph (9), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(10) has been the subject of a determination by the Attorney General under section 922A, 922B, 923(d)(3), or 923(e) of this title.”.

(f) ATTORNEY GENERAL DISCRETIONARY DENIAL AS PROHIBITOR.—Section 922(g) of title 18, United States Code, is amended—

(1) in paragraph (8), by striking “or” at the end;

(2) in paragraph (9), by striking the comma at the end and inserting “; or”; and

(3) by inserting after paragraph (9) the following:

“(10) who has received actual notice of the Attorney General’s determination made under section 922A, 922B, 923(d)(3) or 923(e) of this title.”.

(g) ATTORNEY GENERAL DISCRETIONARY DENIAL OF FEDERAL FIREARMS LICENSES.—Section 923(d) of title 18, United States Code, is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking “Any” and inserting “Except as provided in paragraph (3), any”; and

(2) by adding at the end the following:

“(3) The Attorney General may deny a license application if the Attorney General determines that the applicant (including any responsible person) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism, and the Attorney General has a reasonable belief that the applicant may use a firearm in connection with terrorism.”.

(h) DISCRETIONARY REVOCATION OF FEDERAL FIREARMS LICENSES.—Section 923(e) of title 18, United States Code, is amended—

(1) by inserting “(1)” after “(e)”;

(2) by striking “revoke any license” and inserting the following: “revoke—

“(A) any license”;

(3) by striking “. The Attorney General may, after notice and opportunity for hearing, revoke the license” and inserting the following: “;

“(B) the license”; and

(4) by striking “. The Secretary’s action” and inserting the following: “; or

“(C) any license issued under this section if the Attorney General determines that the holder of such license (including any responsible person) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism or providing material support or resources for terrorism, and the Attorney General has a reasonable belief that the applicant may use a firearm in connection with terrorism.

“(2) The Attorney General’s action”.

(i) ATTORNEY GENERAL’S ABILITY TO WITHHOLD INFORMATION IN FIREARMS LICENSE DENIAL AND REVOCATION SUIT.—

(1) IN GENERAL.—Section 923(f)(1) of title 18, United States Code, is amended by inserting after the first sentence the following: “However, if the denial or revocation is pursuant to subsection (d)(3) or (e)(1)(C), any information upon which the Attorney General relied for this determination may be withheld from the petitioner, if the Attorney General determines that disclosure of the information would likely compromise national security.”.

(2) SUMMARIES.—Section 923(f)(3) of title 18, United States Code, is amended by inserting after the third sentence the following: “With respect to any information withheld from the aggrieved party under paragraph (1), the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security.”.

(j) ATTORNEY GENERAL’S ABILITY TO WITHHOLD INFORMATION IN RELIEF FROM DISABILITIES LAWSUITS.—Section 925(c) of title 18, United States Code, is amended by inserting after the third sentence the following: “If the person is subject to a disability under section 922(g)(10) of this title, any information which the Attorney General relied on for this determination may be withheld from the applicant if the Attorney General determines that disclosure of the information would likely compromise national security. In responding to the petition, the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security.”.

(k) PENALTIES.—Section 924(k) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking “or” at the end;

(2) in paragraph (3), by striking the comma at the end and inserting “; or”; and

(3) by inserting after paragraph (3) the following:

“(4) constitutes an act of terrorism, or providing material support or resources for terrorism.”.

(l) REMEDY FOR ERRONEOUS DENIAL OF FIREARM OR FIREARM PERMIT EXEMPTION.—

(1) IN GENERAL.—Section 925A of title 18, United States Code, is amended—

(A) in the section heading, by striking “**Remedy for erroneous denial of firearm**” and inserting “**Remedies**”;

(B) by striking “Any person denied a firearm pursuant to subsection (s) or (t) of section 922” and inserting the following:

“(a) Except as provided in subsection (b), any person denied a firearm pursuant to subsection (t) of section 922 or a firearm permit pursuant to a determination made under section 922B”; and

(C) by adding at the end the following:

“(b) In any case in which the Attorney General has denied the transfer of a firearm to a prospective transferee pursuant to section 922A of this title or has made a determination regarding a firearm permit applicant pursuant to section 922B of this title, an action challenging the determination may be brought against the United States. The petition shall be filed not later than 60 days after the petitioner has received actual notice of the Attorney General’s determination under section 922A or 922B of this title. The court shall sustain the Attorney General’s determination upon a showing by the United States by a preponderance of evidence that the Attorney General’s determination satisfied the requirements of section 922A or 922B,

as the case may be. To make this showing, the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security. Upon request of the petitioner or the court's own motion, the court may review the full, undisclosed documents *ex parte* and *in camera*. The court shall determine whether the summaries or redacted versions, as the case may be, are fair and accurate representations of the underlying documents. The court shall not consider the full, undisclosed documents in deciding whether the Attorney General's determination satisfies the requirements of section 922A or 922B."

(2) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of sections for chapter 44 of title 18, United States Code, is amended by striking the item relating to section 925A and inserting the following:
"925A. Remedies."

(m) **PROVISION OF GROUNDS UNDERLYING INELIGIBILITY DETERMINATION BY THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.**—Section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) is amended—

(1) in subsection (f)—

(A) by inserting "or the Attorney General has made a determination regarding an applicant for a firearm permit pursuant to section 922B of title 18, United States Code," after "is ineligible to receive a firearm"; and

(B) by inserting "except any information for which the Attorney General has determined that disclosure would likely compromise national security," after "reasons to the individual,"; and

(2) in subsection (g)—

(A) the first sentence—

(i) by inserting "or if the Attorney General has made a determination pursuant to section 922A or 922B of title 18, United States Code," after "or State law,"; and

(ii) by inserting "except any information for which the Attorney General has determined that disclosure would likely compromise national security" before the period at the end; and

(B) by adding at the end the following:
"Any petition for review of information withheld by the Attorney General under this subsection shall be made in accordance with section 925A of title 18, United States Code."

SA 738. Ms. LANDRIEU (for herself and Mr. CASEY) submitted an amendment intended to be proposed by her to the bill S. 649, to ensure that all individuals who should be prohibited from buying a firearm are listed in the national instant criminal background check system and require a background check for every firearm sale, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE IV—YOUTH PRISON REDUCTION THROUGH OPPORTUNITIES, MENTORING, INTERVENTION, SUPPORT, AND EDUCATION ACT

SEC. 401. SHORT TITLE.

This title may be cited as the "Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education Act" or the "Youth PROMISE Act".

SEC. 402. DEFINITIONS.

In this title:

(1) **ADMINISTRATOR.**—The term "Administrator" means the Administrator of the Office of Juvenile Justice and Delinquency Prevention.

(2) **COMMUNITY.**—The term "community" means a unit of local government or an Indian tribe, or part of such a unit or tribe, as determined by such a unit or tribe for the purpose of applying for a grant under this title.

(3) **DESIGNATED GEOGRAPHIC AREA.**—The term "designated geographic area" means a 5-digit postal ZIP Code assigned to a geographic area by the United States Postal Service.

(4) **EVIDENCE-BASED.**—The term "evidence-based", when used with respect to a practice relating to juvenile delinquency and criminal street gang activity prevention and intervention, means a practice (including a service, program, activity, intervention, technology, or strategy) for which the Administrator has determined—

(A) causal evidence documents a relationship between the practice and its intended outcome, based on measures of the direction and size of a change, and the extent to which a change may be attributed to the practice; and

(B) the use of scientific methods rules out, to the extent possible, alternative explanations for the documented change.

(5) **INTERVENTION.**—The term "intervention" means the provision of programs and services that are supported by research, are evidence-based or promising practices, and are provided to youth who are involved in, or who are identified by evidence-based risk assessment methods as being at high risk of continued involvement in, juvenile delinquency or criminal street gangs, as a result of indications that demonstrate involvement with problems such as truancy, substance abuse, mental health treatment needs, or siblings who have had involvement with juvenile or criminal justice systems.

(6) **JUVENILE DELINQUENCY AND CRIMINAL STREET GANG ACTIVITY PREVENTION.**—The term "juvenile delinquency and criminal street gang activity prevention" means the provision of programs and resources to children and families who have not yet had substantial contact with criminal justice or juvenile justice systems, that—

(A) are designed to reduce potential juvenile delinquency and criminal street gang activity risks; and

(B) are evidence-based or promising educational, health, mental health, school-based, community-based, faith-based, parenting, job training, social opportunities and experiences, or other programs, for youth and their families, that have been demonstrated to be effective in reducing juvenile delinquency and criminal street gang activity risks.

(7) **PROMISING.**—The term "promising", when used with respect to a practice relating to juvenile delinquency and criminal street gang activity prevention and intervention, means a practice (including a service, program, activity, intervention, technology, or strategy) that, based on statistical analyses or a theory of change, has been determined by the Administrator to have demonstrated the potential to meet the requirements of an evidence-based practice.

(8) **STATE.**—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Northern Mariana Islands, and any other territories or possessions of the United States.

(9) **THEORY OF CHANGE.**—The term "theory of change" means a program planning strategy approved by the Administrator that outlines the types of interventions and outcomes essential to achieving a set of program goals.

(10) **YOUTH.**—The term "youth" means—

(A) an individual who is 18 years of age or younger; or

(B) in any State in which the maximum age at which the juvenile justice system of such State has jurisdiction over individuals exceeds 18 years of age, an individual who is such maximum age or younger.

SEC. 403. FINDINGS.

The Congress finds as follows:

(1) Youth gang crime has taken a toll on a number of urban communities, and senseless acts of gang-related violence have imposed economic, social, and human costs.

(2) Drug- and alcohol-dependent youth, and youth dually diagnosed with addiction and mental health disorders, are more likely to become involved with the juvenile justice system than youth without such risk factors, absent appropriate prevention and intervention services.

(3) Children of color are over-represented relative to the general population at every stage of the juvenile justice system. African American youth are 17 percent of the United States population, but represent 38 percent of youth in secure placement juvenile facilities, and 58 percent of youth incarcerated in adult prisons.

(4) Research funded by the Department of Justice indicates that gang-membership is short-lived among adolescents. With very few youth remaining gang-involved throughout their adolescent years, ongoing opportunities for intervention exist.

(5) Criminal justice costs have become burdensome in many States and cities, requiring reductions in vital educational, social, welfare, mental health, and related services.

(6) Direct expenditures for each of the major criminal justice functions, police, corrections, and judicial services, have increased steadily over the last 25 years. In fiscal year 2009, Federal, State, and local governments spent an estimated \$258,000,000,000 for police protection, corrections, and judicial and legal services, nearly a 207 percent increase since 1982.

(7) In 2009, State governments spent \$5,700,000,000 to incarcerate youth. The average annual cost to incarcerate one youth is \$88,000.

(8) Coordinated efforts of stakeholders in the juvenile justice system in a local community, together with other organizations and community members concerned with the safety and welfare of children, have a strong record of demonstrated success in reducing the impact of youth and gang-related crime and violence, as demonstrated in Boston, Massachusetts, Chicago, Illinois, Richmond, Virginia, Los Angeles, California, and other communities.

(9) Investment in prevention and intervention programs for children and youth, including quality early childhood programs, comprehensive evidence-based school, after school, and summer school programs, mentoring programs, mental health and treatment programs, evidence-based job training programs, and alternative intervention programs, has been shown to lead to decreased youth arrests, decreased delinquency, lower recidivism, and greater financial savings from an educational, economic, social, and criminal justice perspective.

(10) Quality early childhood education programs have been demonstrated to help children start school ready to learn and to reduce delinquency and criminal street gang activity risks.

(11) Evidence-based mentoring programs have been shown to prevent youth drug abuse and violence.

(12) Evidence-based school-based comprehensive instructional programs that pair youth with responsible adult mentors have been shown to have a strong impact upon delinquency prevention.

(13) After-school programs that connect children to caring adults and that provide

constructive activities during the peak hours of juvenile delinquency and criminal street gang activity, between 3 p.m. and 6 p.m., have been shown to reduce delinquency and the attendant costs imposed on the juvenile and criminal justice systems.

(14) States with higher levels of educational attainment have been shown to have crime rates lower than the national average. Researchers have found that a 5-percent increase in male high school graduation rates would produce an annual savings of almost \$5,000,000,000 in crime-related expenses.

(15) Therapeutic programs that engage and motivate high-risk youth and their families to change behaviors that often result in criminal activity have been shown to significantly reduce recidivism among juvenile offenders, and significantly reduce the attendant costs of crime and delinquency imposed upon the juvenile and criminal justice systems.

(16) Comprehensive programs that target kids who are already serious juvenile offenders by addressing the multiple factors in peer, school, neighborhood, and family environments known to be related to delinquency can reduce recidivism among juvenile offenders and save the public significant economic costs.

(17) There are many alternatives to incarceration of youth that have been proven to be more effective in reducing crime and violence at the Federal, State, local, and tribal levels, and the failure to provide for such effective alternatives is a pervasive problem that leads to increased youth, and later adult, crime and violence.

(18) Savings achieved through early intervention and prevention are significant, especially when noncriminal justice social, educational, mental health, and economic outcomes are considered.

(19) The prevention of child abuse and neglect can help stop a cycle of violence and save up to \$5.00 for every \$1.00 invested in preventing such abuse and neglect.

(20) Targeting interventions at special youth risk groups and focusing upon relatively low-cost interventions increases the probability of fiscal benefit.

(21) Evidence-based intervention treatment facilities have been shown to reduce youth delinquency and to be cost-effective.

(22) States, including Wisconsin, Ohio, New York, Texas, and Pennsylvania, have seen a reduction in juvenile incarceration due to a reallocation of criminal justice funds towards prevention programs.

(23) The rise in homicides in several cities in recent years followed declines in Federal funding provided for law enforcement, educational, health and mental health, social services, and other support to localities for youth, their families, and other community-oriented programs and approaches.

SEC. 404. ALLOTMENT FOR YOUTH PROMISE PROGRAMS.

Not more than 50 percent of the total amount available for the Edward Byrne Memorial Criminal Justice Innovation Program for each fiscal year shall be made available to carry out this title.

Subtitle A—Federal Coordination of Local and Tribal Juvenile Justice Information and Efforts

SEC. 405. PROMISE ADVISORY PANEL.

(a) ORGANIZATION OF STATE ADVISORY GROUP MEMBER REPRESENTATIVES.—Section 223(f) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(f)) is amended—

(1) in paragraph (1), by striking “an eligible organization composed of member representatives of the State advisory groups appointed under subsection (a)(3)” and inserting “a nonpartisan, nonprofit organization

that is described in section 501(c)(3) of the Internal Revenue Code of 1986,”; and

(2) by amending paragraph (2) to read as follows:

“(2) ASSISTANCE.—To be eligible to receive such assistance, such organization shall—

“(A) be governed by individuals who—

“(i) have been appointed by a chief executive of a State to serve as a State advisory group member under subsection (a)(3); and

“(ii) are elected to serve as a governing officer of such organization by a majority of the Chairs (or Chair-designees) of all such State advisory groups;

“(B) include member representatives from a majority of such State advisory groups, who shall be representative of regionally and demographically diverse States and jurisdictions;

“(C) annually seek appointments by the chief executive of each State of one State advisory group member and one alternate State advisory group member from each such State to implement the advisory functions specified in clauses (iv) and (v) of subparagraph (D), including serving on the PROMISE Advisory Panel, and make a record of any such appointments available to the public; and

“(D) agree to carry out activities that include—

“(i) conducting an annual conference of such member representatives for purposes relating to the activities of such State advisory groups;

“(ii) disseminating information, data, standards, advanced techniques, and program models;

“(iii) reviewing Federal policies regarding juvenile justice and delinquency prevention;

“(iv) advising the Administrator with respect to particular functions or aspects of the work of the Office, and appointing a representative, diverse group of members of such organization under subparagraph (C) to serve as an advisory panel of State juvenile justice advisors (referred to as the ‘PROMISE Advisory Panel’) to carry out the functions specified in subsection (g); and

“(v) advising the President and Congress with regard to State perspectives on the operation of the Office and Federal legislation pertaining to juvenile justice and delinquency prevention.”.

(b) PROMISE ADVISORY PANEL.—Section 223 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633) is further amended by adding at the end the following new subsection:

“(g) PROMISE ADVISORY PANEL.—

“(1) FUNCTIONS.—The PROMISE Advisory Panel required under subsection (f)(2)(D) shall—

“(A) assess successful evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention carried out by PROMISE Coordinating Councils under the Youth PROMISE Act;

“(B) provide the Administrator with a list of individuals and organizations with experience in administering or evaluating practices that serve youth involved in, or at risk of involvement in, juvenile delinquency and criminal street gang activity, from which the Administrator shall select individuals who shall—

“(i) provide to the Administrator peer reviews of applications submitted by units of local government and Indian tribes pursuant to subtitle B of the Youth PROMISE Act, to ensure that such applications demonstrate a clear plan to—

“(I) serve youth as part of an entire family unit; and

“(II) coordinate the delivery of service to youth among agencies; and

“(ii) advise the Administrator with respect to the award and allocation of PROMISE Planning grants to local and tribal governments that develop PROMISE Coordinating Councils, and of PROMISE Implementation grants to such PROMISE Coordinating Councils, pursuant to subtitle B of the Youth PROMISE Act; and

“(C) develop performance standards to be used to evaluate programs and activities carried out with grants under subtitle B of the Youth PROMISE Act, including the evaluation of changes achieved as a result of such programs and activities related to decreases in juvenile delinquency and criminal street gang activity, including—

“(i) prevention of involvement by at-risk youth in juvenile delinquency or criminal street gang activity;

“(ii) diversion of youth with a high risk of continuing involvement in juvenile delinquency or criminal street gang activity; and

“(iii) financial savings from deferred or eliminated costs, or other benefits, as a result of such programs and activities, and the reinvestment by the unit or tribe of any such savings.

“(2) ANNUAL REPORT.—Not later than 18 months after the date of the enactment of the Youth PROMISE Act, and annually thereafter, the PROMISE Advisory Panel shall prepare a report containing the findings and determinations under paragraph (1)(A) and shall submit such report to Congress, the President, the Attorney General, and the chief executive and chief law enforcement officer of each State, unit of local government, and Indian tribe.”.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 299(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671(a)(1)) is amended to read as follows:

“(1) There are authorized to be appropriated such sums as may be necessary to carry out this title for each of the fiscal years 2014 through 2016.”.

SEC. 406. GEOGRAPHIC ASSESSMENT OF RESOURCE ALLOCATION.

(a) GRANT FOR COLLECTION OF DATA TO DETERMINE NEED.—The Administrator shall award a grant, on a competitive basis, to an organization to—

(1) collect and analyze data related to the existing juvenile delinquency and criminal street gang activity prevention and intervention needs and resources in each designated geographic area;

(2) use the data collected and analyzed under paragraph (1) to compile a list of designated geographic areas that have the most need of resources, based on such data, to carry out juvenile delinquency and criminal street gang activity prevention and intervention;

(3) use the data collected and analyzed under paragraph (1) to rank the areas listed under paragraph (2) in descending order by the amount of need for resources to carry out juvenile delinquency and criminal street gang activity prevention and intervention, ranking the area with the greatest need for such resources highest; and

(4) periodically update the list and rankings under paragraph (3) as the Administrator determines to be appropriate.

(b) DATA SOURCES.—In compiling such list and determining such rankings, the organization shall collect and analyze data relating to juvenile delinquency and criminal street gang activity prevention and intervention—

(1) using the geographic information system and Web-based mapping application known as the Socioeconomic Mapping and Resource Topography (SMART) system;

(2) from the Department of Health and Human Services, the Department of Labor,

the Department of Housing and Urban Development, and the Department of Education; and

(3) from the annual KIDS Count Data Book and other data made available by the KIDS Count initiative of the Annie E. Casey Foundation.

(c) **USE OF DATA BY THE ADMINISTRATOR.**—The list and rankings required by this section shall be provided to the Administrator to be used to provide funds under this title in the most strategic and effective manner to ensure that resources and services are provided to youth in the communities with the greatest need for such resources and services.

(d) **LIMITATION ON USE OF COLLECTED DATA.**—The information collected and analyzed under this section may not be used for any purpose other than to carry out the purposes of this title. Such information may not be used for any purpose related to the investigation or prosecution of any person, or for profiling of individuals based on race, ethnicity, socio-economic status, or any other characteristic.

(e) **LIMITATION OF ALLOCATION.**—Of the amount made available for fiscal year 2014 to carry out this section and part I of subtitle B (as authorized under section 411), not more than 1 percent of such amount, or \$1,000,000, whichever is less, shall be available to carry out this section.

Subtitle B—PROMISE Grants

SEC. 407. PURPOSES.

The purposes of the grant programs established under this subtitle are to—

(1) enable local and tribal communities to assess the unmet needs of youth who are involved in, or are at risk of involvement in, juvenile delinquency or criminal street gangs;

(2) develop plans appropriate for a community to address those unmet needs with juvenile delinquency and gang prevention and intervention practices; and

(3) implement and evaluate such plans in a manner consistent with this title.

PART I—PROMISE ASSESSMENT AND PLANNING GRANTS

SEC. 408. PROMISE ASSESSMENT AND PLANNING GRANTS AUTHORIZED.

(a) **GRANTS AUTHORIZED.**—The Administrator is authorized to award grants to units of local government and Indian tribes to assist PROMISE Coordinating Councils with planning and assessing evidence-based and promising practices relating to juvenile delinquency and criminal street gang activity prevention and intervention, especially for youth who are involved in, or who are at risk of involvement in, juvenile delinquency and criminal street gang activity. Such PROMISE Coordinating Councils shall—

(1) conduct an objective needs and strengths assessment in accordance with section 409; and

(2) develop a PROMISE Plan in accordance with section 410, based on the assessment conducted in accordance with section 409.

(b) **GRANT DURATION, AMOUNT, AND ALLOCATION.**—

(1) **DURATION.**—A grant awarded under this section shall be for a period not to exceed one year.

(2) **MAXIMUM GRANT AMOUNT.**—A grant awarded under this section shall not exceed \$300,000.

SEC. 409. PROMISE COORDINATING COUNCILS.

To be eligible to receive a grant under this part, a unit of local government or an Indian tribe shall establish a PROMISE Coordinating Council for each community of such unit or tribe, respectively, for which such unit or tribe is applying for a grant under this subtitle. Each such community shall in-

clude one or more designated geographic areas identified on the list required under section 406(a)(2). The members of such a PROMISE Coordinating Council shall be representatives of public and private sector entities and individuals that—

(1) should include at least one representative from each of the following:

(A) the local chief executive's office;

(B) a local educational agency;

(C) a local health agency or provider;

(D) a local mental health agency or provider, unless the representative under subparagraph (C) also meets the requirements of this subparagraph;

(E) a local public housing agency;

(F) a local law enforcement agency;

(G) a local child welfare agency;

(H) a local juvenile court;

(I) a local juvenile prosecutor's office;

(J) a private juvenile residential care entity;

(K) a local juvenile public defender's office;

(L) a State juvenile correctional entity;

(M) a local business community representative; and

(N) a local faith-based community representative;

(2) shall include two representatives from each of the following:

(A) parents who have minor children, and who have an interest in the local juvenile or criminal justice systems;

(B) youth between the ages of 15 and 24 who reside in the jurisdiction of the unit or tribe; and

(C) members from nonprofit community-based organizations that provide effective delinquency prevention and intervention to youth in the jurisdiction of the unit or tribe; and

(3) may include other members, as the unit or tribe determines to be appropriate.

SEC. 410. NEEDS AND STRENGTHS ASSESSMENT.

(a) **ASSESSMENT.**—Each PROMISE Coordinating Council receiving funds from a unit of local government or Indian tribe under this subtitle shall conduct an objective strengths and needs assessment of the resources of the community for which such PROMISE Coordinating Council was established, to identify the unmet needs of youth in the community with respect to evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention. The PROMISE Coordinating Council shall consult with a research partner receiving a grant under section 420 for assistance with such assessment. Such assessment shall include, with respect to the community for which such PROMISE Coordinating Council was established—

(1) the number of youth who are at-risk of involvement in juvenile delinquency or street gang activity;

(2) the number of youth who are involved in juvenile delinquency or criminal street gang activity, including the number of such youth who are at high risk of continued involvement;

(3) youth unemployment rates during the summer;

(4) the number of individuals on public financial assistance (including a breakdown of the numbers of men, women, and children on such assistance);

(5) the estimated number of youth who are chronically truant;

(6) the number of youth who have dropped out of school in the previous year;

(7) for the year before such assessment, the estimated total amount expended (by the community and other entities) for the incarceration of offenders who were convicted or adjudicated delinquent for an offense that was committed in such community, including amounts expended for the incarceration

of offenders in prisons, jails, and juvenile facilities that are located in the United States but are not located in such community;

(8) a comparison of the amount under paragraph (5) with an estimation of the amount that would be expended for the incarceration of offenders described in such paragraph if the number of offenders described in such paragraph was equal to the national average incarceration rate per 100,000 population; and

(9) a description of evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention available for youth in the community, including school-based programs, after school programs (particularly programs that have activities available for youth between 3 p.m. and 6 p.m. in the afternoon), weekend activities and programs, youth mentoring programs, faith and community-based programs, summer activities, and summer jobs, if any; and

(10) a description of evidence-based and promising intervention practices available for youth in the community.

(b) **LIMITATION ON USE OF ASSESSMENT INFORMATION.**—Information gathered pursuant to this section may be used for the sole purpose of developing a PROMISE Plan in accordance with this subtitle.

SEC. 411. PROMISE PLAN COMPONENTS.

(a) **IN GENERAL.**—Each PROMISE Coordinating Council receiving funds from a unit of local government or Indian tribe under this subtitle shall develop a PROMISE Plan to provide for the coordination of, and, as appropriate, to support the delivery of, evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention to youth and families who reside in the community for which such PROMISE Coordinating Council was established. Such a PROMISE Plan shall—

(1) include the strategy by which the PROMISE Coordinating Council plans to prioritize and allocate resources and services toward the unmet needs of youth in the community, consistent with the needs and available resources of communities with the greatest need for assistance, as determined pursuant to section 406;

(2) include a combination of evidence-based and promising prevention and intervention practices that are responsive to the needs of the community; and

(3) ensure that cultural and linguistic needs of the community are met.

(b) **MANDATORY COMPONENTS.**—Each PROMISE Plan shall—

(1) include a plan to connect youth identified in paragraphs (1) and (2) of section 409(a) to evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention;

(2) identify the amount or percentage of local funds that are available to the PROMISE Coordinating Council to carry out the PROMISE Plan;

(3) provide strategies to improve indigent defense delivery systems, with particular attention given to groups of children who are disproportionately represented in the State delinquency system and Federal criminal justice system, as compared to the representation of such groups in the general population of the State;

(4) provide for training (which complies with the American Bar Association Juvenile Justice Standards for the representation and care of youth in the juvenile justice system) of prosecutors, defenders, probation officers, judges and other court personnel related to issues concerning the developmental needs, challenges, and potential of youth in the juvenile justice system, (including training related to adolescent development and mental

health issues, and the expected impact of evidence-based practices and cost reduction strategies);

(5) ensure that the number of youth involved in the juvenile delinquency and criminal justice systems does not increase as a result of the activities undertaken with the funds provided under this part;

(6) describe the coordinated strategy that will be used by the PROMISE Coordinating Council to provide at-risk youth with evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention;

(7) propose the performance evaluation process to be used to carry out section 412(d), which shall include performance measures to assess efforts to address the unmet needs of youth in the community with evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention; and

(8) identify the research partner the PROMISE Coordinating Council will use to obtain information on evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention, and for the evaluation under section 412(d) of the results of the activities carried out with funds under this subtitle.

(c) **VOLUNTARY COMPONENTS.**—In addition to the components under subsection (b), a PROMISE Plan may include evidence-based or promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention in the following categories:

(1) Early childhood development services (such as pre-natal and neo-natal health services), early childhood prevention, voluntary home visiting programs, nurse-family partnership programs, parenting and healthy relationship skills training, child abuse prevention programs, Early Head Start, and Head Start.

(2) Child protection and safety services (such as foster care and adoption assistance programs), family stabilization programs, child welfare services, and family violence intervention programs.

(3) Youth and adolescent development services, including job training and apprenticeship programs, job placement and retention training, education and after school programs (such as school programs with shared governance by students, teachers, and parents, and activities for youth between the hours of 3 p.m. and 6 p.m. in the afternoon), mentoring programs, conflict resolution skills training, sports, arts, life skills, employment and recreation programs, summer jobs, and summer recreation programs, and alternative school resources for youth who have dropped out of school or demonstrate chronic truancy.

(4) Health and mental health services, including cognitive behavioral therapy, play therapy, and peer mentoring and counseling.

(5) Substance abuse counseling and treatment services, including harm-reduction strategies.

(6) Emergency, transitional, and permanent housing assistance (such as safe shelter and housing for runaway and homeless youth).

(7) Targeted gang prevention, intervention, and exit services such as tattoo removal, successful models of anti-gang crime outreach programs (such as “street worker” programs), and other criminal street gang truce or peacemaking activities.

(8) Training and education programs for pregnant teens and teen parents.

(9) Alternatives to detention and confinement programs (such as mandated participation in community service, restitution,

counseling, and intensive individual and family therapeutic approaches).

(10) Pre-release, post-release, and reentry services to assist detained and incarcerated youth with transitioning back into and reentering the community.

PART II—PROMISE IMPLEMENTATION GRANTS

SEC. 412. PROMISE IMPLEMENTATION GRANTS AUTHORIZED.

(a) **PROMISE IMPLEMENTATION GRANTS AUTHORIZED.**—The Administrator of the Office of Juvenile Justice and Delinquency Prevention is authorized to award grants to units of local government and Indian tribes to assist PROMISE Coordinating Councils with implementing PROMISE Plans developed pursuant to part I.

(b) **GRANT DURATION.**—A grant awarded under this part shall be for a 3-year period.

(c) **NON-FEDERAL FUNDS REQUIRED.**—For each fiscal year during the 3-year grant period for a grant under this part, each unit of local government or Indian tribe receiving such a grant for a PROMISE Coordinating Council shall provide, from non-Federal funds, in cash or in-kind, 25 percent of the costs of the activities carried out with such grant.

(d) **EVALUATION.**—Of any funds provided to a unit of local government or an Indian tribe for a grant under this part, not more than \$100,000 shall be used to provide a contract to a competitively selected organization to assess the progress of the unit or tribe in addressing the unmet needs of youth in the community, in accordance with the performance measures under section 410(a).

SEC. 413. PROMISE IMPLEMENTATION GRANT APPLICATION REQUIREMENTS.

(a) **APPLICATION REQUIRED.**—To be eligible to receive a PROMISE Implementation grant under this part, a unit of local government or Indian tribe that received a PROMISE Assessment and Planning grant under part I shall submit an application to the Administrator of the Office of Juvenile Justice and Delinquency Prevention not later than one year after the date such unit of local government or Indian tribe was awarded such grant under part I, in such manner, and accompanied by such information, as the Administrator, after consultation with the organization under section 223(f)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(f)(1)), may require.

(b) **CONTENTS OF APPLICATION.**—Each application submitted under subsection (a) shall—

(1) identify potential savings from criminal justice costs, public assistance costs, and other costs avoided by utilizing evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention;

(2) document—

(A) investment in evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention to be provided by the unit of local government or Indian tribe;

(B) the activities to be undertaken with the grants funds;

(C) any expected efficiencies in the juvenile justice or other local systems to be attained as a result of implementation of the programs funded by the grant; and

(D) outcomes from such activities, in terms of the expected numbers related to reduced criminal activity;

(3) describe how savings sustained from investment in prevention and intervention practices will be reinvested in the continuing implementation of the PROMISE Plan; and

(4) provide an assurance that the local fiscal contribution with respect to evidence-

based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention in the community for which the PROMISE Coordinating Council was established for each year of the grant period will not be less than the local fiscal contribution with respect to such practices in the community for the year preceding the first year of the grant period.

SEC. 414. GRANT AWARD GUIDELINES.

(a) **SELECTION AND DISTRIBUTION.**—Grants awarded under this part shall be awarded on a competitive basis. The Administrator shall—

(1) take such steps as may be necessary to ensure that grants are awarded to units of local governments and Indian tribes in areas with the highest concentrations of youth who are—

(A) at-risk of involvement in juvenile delinquency or criminal street gang activity; and

(B) involved in juvenile delinquency or street gang activity and who are at high-risk of continued involvement; and

(2) give consideration to the need for grants to be awarded to units of local governments and Indian tribes in each region of the United States, and among urban, suburban, and rural areas.

(b) **EXTENSION OF GRANT AWARD.**—The Administrator may extend the grant period under section 412(b)(1) for a PROMISE Implementation grant to a unit of local government or an Indian tribe, in accordance with regulations issued by the Administrator.

(c) **RENEWAL OF GRANT AWARD.**—The Administrator may renew a PROMISE Implementation grant to a unit of local government or an Indian tribe to provide such unit or tribe with additional funds to continue implementation of a PROMISE Plan. Such a renewal—

(1) shall be initiated by an application for renewal from a unit of local government or an Indian tribe;

(2) shall be carried out in accordance with regulations issued by the Administrator; and

(3) shall not be granted unless the Administrator determines such a renewal to be appropriate based on the results of the evaluation conducted under section 418(a) with respect to the community of such unit or tribe for which a PROMISE Coordinating Council was established, and for which such unit or tribe is applying for renewal.

SEC. 415. REPORTS.

Not later than one year after the end of the grant period for which a unit of local government or an Indian tribe receives a PROMISE Implementation grant, and annually thereafter for as long as such unit or tribe continues to receive Federal funding for a PROMISE Coordinating Council, such unit or tribe shall report to the Administrator regarding the use of Federal funds to implement the PROMISE Plan developed under part I.

PART III—GENERAL PROMISE GRANT PROVISIONS

SEC. 416. NONSUPPLANTING CLAUSE.

A unit of local government or Indian tribe receiving a grant under this subtitle shall use such grant only to supplement, and not supplant, the amount of funds that, in the absence of such grant, would be available to address the needs of youth in the community with respect to evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention.

SEC. 417. GRANT APPLICATION REVIEW PANEL.

The Administrator of the Office of Juvenile Justice and Delinquency Prevention, in conjunction with the PROMISE Advisory Panel,

shall establish and utilize a transparent, reliable, and valid system for evaluating applications for PROMISE Assessment and Planning grants and for PROMISE Implementation grants, and shall determine which applicants meet the criteria for funding, based primarily on a determination of greatest need (in accordance with section 406), with due consideration to other enumerated factors and the indicated ability of the applicant to successfully implement the program described in the application.

SEC. 418. EVALUATION OF PROMISE GRANT PROGRAMS.

(a) **EVALUATION REQUIRED.**—The Administrator shall, in consultation with the organization provided assistance under section 223(f)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(f)(1)), provide for an evaluation of the programs and activities carried out with grants under this subtitle. In carrying out this section, the Administrator shall—

(1) award grants to institutions of higher education (including institutions that are eligible to receive funds under part F of title III of the Higher Education Act of 1965 (20 U.S.C. 1067q et seq.)), to facilitate the evaluation process and measurement of achieved outcomes;

(2) identify evidence-based and promising practices used by PROMISE Coordinating Councils under PROMISE Implementation grants that have proven to be effective in preventing involvement in, or diverting further involvement in, juvenile delinquency or criminal street gang activity; and

(3) ensure—
(A) that such evaluation is based on the performance standards that are developed by the PROMISE Advisory Panel in accordance with section 223(g) of the Juvenile Justice and Delinquency Prevention Act of 1974 (as added by section 405(b) of this title);

(B) the development of longitudinal and clinical trial evaluation and performance measurements with regard to the evidence-based and promising practices funded under this subtitle; and

(C) the dissemination of the practices identified in paragraph (2) to the National Research Center for Proven Juvenile Justice Practices (established under section 301), units of local government, and Indian tribes to promote the use of such practices by such units and tribes to prevent involvement in, or to divert further involvement in, juvenile delinquency or criminal street gang activity.

(b) **RESULTS TO THE NATIONAL RESEARCH CENTER FOR PROVEN JUVENILE JUSTICE PRACTICES.**—The Administrator shall provide the results of the evaluation under subsection (a) to the National Research Center for Proven Juvenile Justice Practices established under section 419.

Subtitle C—PROMISE Research Centers

SEC. 419. ESTABLISHMENT OF THE NATIONAL RESEARCH CENTER FOR PROVEN JUVENILE JUSTICE PRACTICES.

The Administrator shall award a grant to a nonprofit organization with a national reputation for expertise in operating or evaluating effective, evidence-based practices related to juvenile delinquency and criminal street gang activity prevention or intervention to develop a National Research Center for Proven Juvenile Justice Practices. Such Center shall—

(1) collaborate with institutions of higher education as regional partners to create a best practices juvenile justice information-sharing network to support the programs and activities carried out with grants under subtitle B;

(2) collect, and disseminate to PROMISE Coordinating Councils, research and other information about evidence-based and prom-

ising practices related to juvenile delinquency and criminal street gang activity prevention and intervention to inform the efforts of PROMISE Coordinating Councils and regional research partners and to support the programs and activities carried out with grants under title subtitle B;

(3) increase the public's knowledge and understanding of effective juvenile justice practices to prevent crime and delinquency and reduce recidivism; and

(4) develop, manage, and regularly update a site to disseminate proven practices for successful juvenile delinquency prevention and intervention.

SEC. 420. GRANTS FOR REGIONAL RESEARCH PROVEN PRACTICES PARTNERSHIPS.

The Administrator shall establish a grant program to award grants to institutions of higher education to serve as regional research partners with PROMISE Coordinating Councils that are located in the same geographic region as an institution, in collaboration with the National Research Center for Proven Juvenile Justice Practices authorized under section 419. Regional research partners shall provide research support to such PROMISE Coordinating Councils, including—

(1) assistance with preparing PROMISE grant applications under subtitle B, including collection of baseline data for such applications;

(2) assistance with the needs and strengths assessments conducted under section 410; and

(3) provision of support services to PROMISE grant recipients for data collection and analysis to assess progress under the PROMISE grant.

SA 739. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 649, to ensure that all individuals who should be prohibited from buying a firearm are listed in the national instant criminal background check system and require a background check for every firearm sale, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 307. AUTHORIZATION FOR USE OF SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES FUNDS FOR SCHOOL SAFETY MEASURES.

Section 4121(a) of the Safe and Drug-Free Schools and Communities Act (20 U.S.C. 7131(a)) is amended—

(1) in paragraph (8), by striking “and” at the end;

(2) by redesignating paragraph (9) as paragraph (10); and

(3) by inserting after paragraph (8) the following:

“(9) assistance in the acquisition and installation of physical measures, such as metal detectors, surveillance cameras, or other related security equipment and technologies, that are designed to prevent targeted firearms violence against students and school personnel; and”.

NOTICES OF HEARINGS

SUBCOMMITTEE ON PUBLIC LANDS, FORESTS, AND MINING

Mr. WYDEN. Mr. President, I would like to announce for the information of the Senate and the public of an addition to a previously announced hearing before Subcommittee on Public Lands, Forests, and Mining of the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, April 25, 2013, at 2:30 p.m., in room

SD-366 of the Dirksen Senate Office Building.

In addition to the other measures previously announced, the Committee will also consider:

S. 736, to establish a maximum amount for special use permit fees applicable to certain cabins on National Forest System land in the State of Alaska; and,

S. 757, to provide for the implementation of the multispecies habitat conservation plan for the Virgin River, Nevada, and Lincoln County, Nevada, to extend the authority to purchase certain parcels of public land, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to john_assini@energy.senate.gov.

For further information, please contact Meghan Conklin at (202) 224-8046, or John Assini at (202) 224-9313.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WYDEN. Mr. President, I would like to announce for the information of the Senate and the public of additions to a previously announced hearing before the Senate Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, April 23, 2013, at 10:00 a.m., in room SD-366 of the Dirksen Senate Office Building.

In addition to the other measures previously announced, the Committee will also consider H.R. 678, Bureau of Reclamation Small Conduit Hydropower Development and Rural Jobs Act; and S. 761, Energy Savings and Industrial Competitiveness Act of 2013.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to lauren_goldschmidt@energy.senate.gov.

For further information, please contact Sara Tucker at (202) 224-6224, Dan Adamson at (202) 224-2871, or Lauren Goldschmidt at (202) 224-5488.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on April 18, 2013, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.